

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

BURGER KING BRANDS, INC.,

Plaintiff,

v.

STEVEN NEWMAN,

Defendant.

02-23222

CIV-GRAHAM

MAGISTRATE JUDGE
GARRETT

RECEIVED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
NOV 11 2002
CLERK

COMPLAINT

Burger King Brands, Inc. ("Burger King Brands") ("Plaintiff"), alleges the following in support of its claims against Steven Newman ("Defendant").

NATURE OF THE ACTION

1. This is an action for trademark infringement, dilution, unlawful domain name registration, and cybersquatting with respect to Plaintiff's famous and distinctive trademark, BURGER KING (the "Mark"). Defendant has unlawfully misappropriated and exploited Plaintiff's Mark by using the Mark and registering the domain name "WWWBURGERKING.COM" (the "Domain Name"). Defendant is using the Domain Name in connection with the sale of products. Defendant's use of the Mark and WWWBURGERKING.COM domain name has damaged and continues to irreparably damage Plaintiff's hard-earned reputation in the food service retailing industry.

1
DO

THE PARTIES

2. Plaintiff is a Delaware corporation, having its principal place of business at The Waterford Building, 5505 Blue Lagoon Drive, Miami, Florida 33126.

3. Upon information and belief, Defendant, Steven Newman, is located at 6215 Cheena, Houston, Texas 77096.

JURISDICTION AND VENUE

4. Pursuant to 15 U.S.C. §§ 1051-1127, 15 U.S.C. § 1121(a), 28 U.S.C. §§ 1331 and 1338(a), this Court has subject matter jurisdiction over this action. This action arises under 15 U.S.C. §§ 1114 and 1125, and involves Defendant's unauthorized use, dilution, and domain name registration in commerce, of a federally registered trademark owned by Plaintiff. Pursuant to 28 U.S.C. § 1367(a), this Court has supplemental jurisdiction over all state claims asserted herein, as these claims are so related to the claims within this Court's jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2), or, in the alternative, § 1391(b)(3).

6. This Court has personal jurisdiction over Defendant pursuant to Fla. Stat. § 48.193 (the "Florida Long Arm Statute"), because Defendant's maintenance and use of the WWWBURGERKING.COM domain name, which solicits consumers to purchase merchandise and/or access other web pages, constitutes tortious and unlawful actions causing injury to Burger King Brands within Florida.

GENERAL ALLEGATIONS







7. Plaintiff Burger King Brands is a wholly owned subsidiary of Miami-based Burger King Corporation.

8. Plaintiff has been using the “Burger King” trademark continuously since 1954. The mark has been used to indicate the source of, origin of, and to identify the goods and services of Plaintiff and Burger King Corporation throughout the United States and many foreign countries at more than 11,450 franchised or company owned restaurants. Plaintiff has invested substantial resources in its use of the Mark, and has developed substantial goodwill associated with this Mark.

9. Since the inception of Plaintiff’s use of the Mark, Plaintiff has spent millions of dollars and has expended extensive effort in promoting its food products and services under the “Burger King” trademark. As a result of Plaintiff’s long, exclusive and continuous use, advertisement, and promotion of the Mark in interstate commerce:

- a. Plaintiff has developed substantial and valuable goodwill associated with the Mark in the minds of consumers throughout the United States and Florida;
- b. Plaintiff has established exclusive common law ownership of the Mark in connection with its goods and services; and
- c. The Mark has become so widely known and distinctive of Plaintiff’s goods and services as to now constitute a famous mark.

10. Burger King is the owner of numerous trademark/service mark registrations containing the phrase “Burger King” (the “Burger King Marks”). A representative sample of the Burger King Marks that involve food products and services are the subject of the following United States trademark registrations, owned and maintained by Plaintiff:

<u>EXHIBIT</u>	<u>MARK</u>	<u>REGISTRATION NO.</u>	<u>ISSUE DATE</u>	<u>GOODS/SERVICES</u>
A	BURGER KING	869,775	5/20/69	Soft drinks ; hamburger sandwiches
B		901,311	10/20/70	Restaurant services
C		961,014	6/12/73	Soft drinks ; hamburger sandwiches
D		1,057,976	2/1/77	Restaurant and carry-out food services
E		1,057,250	1/25/77	Restaurant and carry-out food services
F	BURGER KING	1,076,177	10/25/77	Restaurant and carry-out food services
G	 THE BURGER KING	1,116,195	4/3/79	Entertainment services, namely performing magic tricks for children at birthday parties; restaurant services, including carry-out
H	Make It special, make It Burger King	1,165,059	8/11/81	Restaurant services
I		2,004,052	10/1/96	Children's activity books, magazines, pamphlets, brochures and newsletters featuring cartoons, general information tips, promotional materials, contests and discount coupons; calendars, postcards, paper napkins, posters, paper party hats and printed invitations; t-shirts, party favors, etc; restaurant services

These registrations are prima facie evidence of Plaintiff's exclusive ownership of the Burger King Marks.

11. In connection with promoting its food products and services, Plaintiff maintains an Internet web site on the World Wide Web under the domain name "BURGERKING.COM." Plaintiff registered its BURGERKING.COM domain name with Network Solutions (now Verisign) on November 14, 1994. Plaintiff's BURGERKING.COM web site has been continuously available on the World Wide Web since at least as early as 1997.

12. Upon information and belief, Defendant registered the domain name WWWBURGERKING.COM with Go Daddy Software, Inc., on August 27, 2002. Copies of the WHOIS search results from the Verisign/Network Solutions, Inc. domain name registry are attached collectively as Exhibit J. The WHOIS search results show Defendant as the administrative, technical, and billing contact for the Domain Name.

13. On August 28, 2002, Plaintiff received an unsolicited e-mail from Defendant advising Plaintiff of Defendant's "recent" acquisition of the Domain Name WWWBURGERKING.COM. Defendant asked if Plaintiff would be interested in purchasing the domain name before it was offered for sale to Plaintiff's competitors. A copy of Defendant's e-mail is attached as Exhibit K.

14. Plaintiff's Counsel wrote to Defendant on September 10, 2002, requesting that Defendant cease and desist using the WWWBURGERKING.COM domain name and requesting the immediate transfer of the domain name. A copy of Plaintiff's letter is attached as Exhibit L. Defendant did not respond to Plaintiff Counsel's cease and desist letter. Rather, Defendant again directly e-mailed Plaintiff that Defendant was "NOT going to give [Plaintiff] this domain name" and demanded "\$500 or \$1250 in Burger King gift certificates." A copy of Defendant's e-mail is attached as Exhibit M.

15. Defendant has no authority or right to use the "BURGER KING" mark for any purpose. Defendant has improperly used and continues to improperly use the Mark, and the WWWBURGERKING.COM domain name in connection with the sale of products.

16. Defendant's unauthorized use of the Mark in connection with the sale of products and harmful to Plaintiff's business, the Burger King marks, and the goodwill associated therewith.

17. Defendant began its unauthorized and illegal activities long after Plaintiff's first use of the Mark and BURGERKING.COM domain name.

18. Upon information and belief, Defendant's aforesaid use of the Mark and the registration and use of the WWWBURGERKING.COM domain name have damaged Plaintiff's business, the goodwill in its marks, and Plaintiff's reputation as a provider of reasonably priced, quality food, served quickly, in attractive and clean surroundings. Unless Defendant's unauthorized and infringing uses of the Mark, the Domain Name, and web site are stopped immediately, the damage to Plaintiff will be irreparable.

COUNT I

INFRINGEMENT OF REGISTERED TRADEMARKS

19. Plaintiffs reallege and incorporate herein the allegations set forth in paragraphs 1 through 18 above.

20. Plaintiff is the registrant of the BURGER KING Mark as recited above.

21. Plaintiff has not consented to Defendant's use of the Mark and WWWBURGERKING.COM domain name.

22. Defendant has, without the consent of Plaintiff, used in commerce a reproduction, counterfeit, copy, or colorable imitation of the registered Mark in connection with the sale, offering for sale, distribution, or advertising of goods or services.

23. Defendant has reproduced, copied or colorably imitated Plaintiff's registered Mark and has been using such mark in commerce and in connection with the sale, offering for sale, distribution, or advertising of goods or services.

24. Defendant's unauthorized use of the Mark and the WWWBURGERKING.COM domain name have caused, and will continue to cause, confusion, mistake, or deception in violation of 15 U.S.C. § 1114.

25. As a direct and proximate result of Defendant's violations of 15 U.S.C. § 1114, Plaintiff has suffered, and will continue to suffer, substantial and irreparable harm.

COUNT II

FALSE DESIGNATION OF ORIGIN

26. Plaintiff realleges and incorporates herein the allegations set forth in Paragraphs 1 through 18 above.

27. Defendant has used and is presently using the Mark and Domain Name in connection with the sale of products and the solicitation of contributions to charitable organizations in a fashion that is likely to cause confusion, mistake, or deception among consumers and potential customers of Plaintiff as to the affiliation, connection, or association of Plaintiff with Defendant, or as to the origin, sponsorship, or approval of the goods provided by Defendant.

28. Defendant's unauthorized use and misappropriation of Plaintiff's Mark and the confusingly similar Domain Name are likely to cause confusion, mistake and deception in violation of 15 U.S.C. § 1125(a).

29. As a direct and proximate result of Defendant's violations of 15 U.S.C. § 1125(a), Plaintiff has suffered, and will continue to suffer, substantial and irreparable harm.

COUNT III

FEDERAL TRADEMARK DILUTION

30. Plaintiff realleges and incorporates herein the allegations set forth in Paragraphs 1 through 18 above.

31. Defendant's aforesaid acts dilute Plaintiff's famous Mark, insofar as Defendant's use of the Mark and Domain Name lessens the quality of the famous Mark used to identify and distinguish Plaintiff's goods and services.

32. As a direct and proximate result of Defendant's violations of 15 U.S.C. § 1125(c), Plaintiff has suffered, and will continue to suffer, substantial and irreparable harm.

COUNT IV

CYBERPIRACY

33. Plaintiff realleges and incorporates herein the allegations set forth in Paragraphs 1 through 18 above.

34. With a bad faith intent to profit therefrom, Defendant registered and is presently using the domain name WWWBURGERKING.COM which is confusingly similar to, and dilutive of, Plaintiff's famous and distinctive "BURGER KING" trademark and domain name.

35. Upon information and belief, Defendant selected a domain name similar to Plaintiff's preexisting and famous Mark and domain name with a bad faith intent to profit from

the confusion, mistake, and deceit that are likely to result from Defendant's use of the Domain Name. As a result, Defendant's use of the Domain Name violates 15 U.S.C. § 1125(d).

36. As a direct and proximate result of Defendant's violations of 15 U.S.C. § 1125(d), Plaintiff has suffered, and will continue to suffer, substantial and irreparable harm.

COUNT V

COMMON LAW TRADEMARK INFRINGEMENT

37. Plaintiff realleges and incorporates herein the allegations set forth in Paragraphs 1 through 18 above.

38. Pursuant to Florida common law, Plaintiff has established exclusive ownership of the "BURGER KING" trademark in Florida for use in the food service retailing industry.

39. Defendant's unauthorized use and misappropriation of Plaintiff's Mark and the confusingly similar Domain Name violates Plaintiff's common law rights.

40. As a direct and proximate result of Defendant's unauthorized use and misappropriation of the Mark and the confusingly similar Domain Name, Plaintiff has suffered, and will continue to suffer, substantial and irreparable harm.

COUNT VI

COMMON LAW UNFAIR COMPETITION

41. Plaintiff realleges and incorporates herein the allegations set forth in Paragraphs 1 through 18 above.

42. The aforesaid acts of Defendant constitute unfair competition and misappropriation of Plaintiff's rights under the common law of the State of Florida in that such acts permit, and will continue to permit, Defendant's unauthorized use and benefit of Plaintiff's BURGER KING Mark.

43. Defendant's use of the Mark and confusingly similar Domain Name constitute unfair competition, unjust enrichment, and misappropriation in violation of the common law of the State of Florida. As a direct and proximate result of Defendant's unauthorized use and misappropriation of the Mark and the confusingly similar Domain Name, Plaintiff has suffered, and will continue to suffer, substantial and irreparable harm.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that:

A. Defendant, its agents, servants, employees, franchisees, licensees, and attorneys, and all others in active concert or participation with Defendant, be enjoined and restrained, during the pendency of this action and permanently thereafter from:

1. Using the WWWBURGERKING.COM domain name, or any other marks or names that are confusingly similar to, or a colorable imitation of, Plaintiff's BURGER KING Mark; and

2. Doing any other act or thing likely to, or calculated to, induce the belief that Defendant or the Defendant's business or goods are in any way affiliated, connected, or associated with Plaintiff's or Plaintiff's products, services, or business.

3. Transferring the ownership or control of the "WWWBURGERKING.COM" Domain Name to any party other than Plaintiff.

B. Defendant's Internet Service Provider be required to immediately shut down the Internet site located at WWWBURGERKING.COM.

C. Defendant be required to forever refrain from using BURGER KING character strings, or any colorable imitation thereof, as all or part of directory names, Uniform Resource Locators ("URLs") for web sites, or other such Internet addresses, as telephone numbers, as hidden web site code, as links, key words for the retrieval of data or information through Internet search engines or directories, meta-tags, e-mail addresses, or other such electronic identifiers.

D. Pursuant to 15 U.S.C. § 1125(d)(1)(C), ordering forfeiture, cancellation, or transfer to the Plaintiff of the Defendant's WWWBURGERKING.COM domain name, at the election of Plaintiff.

E. Pursuant to 15 U.S.C. § 1117(d), awarding statutory damages in the amount of \$100,000 per domain name for unauthorized use of the WWWBURGERKING.COM domain name.

F. Pursuant to 15 U.S.C. § 1116, ordering Defendant to file with the Court and serve on Plaintiff within thirty (30) days after service on Defendant of the requested permanent, or preliminary injunction orders, a report in writing under oath setting forth in detail the manner and form in which Defendant has complied with the injunctions.

G. Finding that this is an exceptional case under 15 U.S.C. § 1117(a), and/or that Defendant's conduct is intentional, vexatious, fraudulent, and in bad faith and, accordingly, awarding Plaintiff's reasonable attorney's fees.

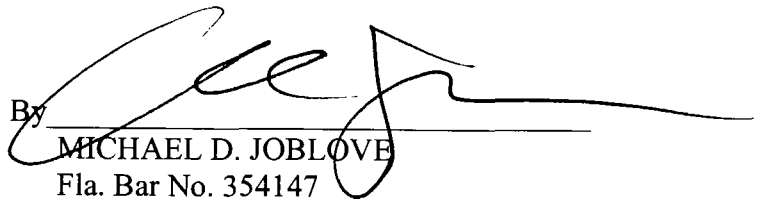
H. Awarding Plaintiff judgment for all compensatory damages suffered by Plaintiff as a result of Defendant's illegal and unauthorized actions, in an amount to be determined, and for all costs incurred by Plaintiff in connection with this action.

I. Awarding Plaintiff prejudgment and post-judgment interest on all amounts awarded.

J. Defendant be required to pay Plaintiffs, at Plaintiffs' election, profits and damages or statutory damages, and costs and attorneys fees, in accordance with Section 35 of the Trademark Act, 15 U.S.C. § 1117.

K. Granting Plaintiff such further relief as this Court deems just and proper.

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Washington, D.C. 20007



UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Electronic Search System (TESS)

TESS was last updated on Thu Sep 19 04:31:28 EDT 2002

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSER DICT	BOTTOM	HELP	PREV LIST
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

Logout

Please logout when you are done to release system resources allocated for you.

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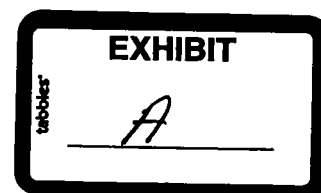
Record 35 out of 35

Check Status

(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark **BURGER KING**
Goods and Services IC 032. US 045. G & S: SOFT DRINKS OF ALL VARIETIES. FIRST USE: 19530728. FIRST USE IN COMMERCE: 19550605
IC 029. US 046. G & S: HAMBURGER SANDWICHES. FIRST USE: 19530728. FIRST USE IN COMMERCE: 19550605
Mark Drawing Code (1) TYPED DRAWING
Serial Number 72306090
Filing Date September 9, 1968
Registration Number 0869775
Registration Date May 20, 1969
Owner (REGISTRANT) BURGER KING CORPORATION CORPORATION FLORIDA 7100 N. KENDALL DRIVE MIAMI FLORIDA 33156
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record NICHOLAS LAMBROS
Prior Registrations 0722375
Disclaimer APPLICANT DISCLAIMS THE WORD "BURGER" APART FROM THE MARK



AS SHOWN, WITHOUT SACRIFICING ANY COMMON LAW RIGHTS.

Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15.
Renewal 1ST RENEWAL 19890520
Live/Dead Indicator LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	TOP	HELP	PREV LIST
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				



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CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

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Check Status

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Word Mark **BURGER KING**
Goods and Services IC 042. US 100. G & S: RESTAURANT SERVICES, MORE SPECIFICALLY SELF-SERVICE RESTAURANTS. FIRST USE: 19681206. FIRST USE IN COMMERCE: 19690103
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 080501
Serial Number 72328416
Filing Date May 27, 1969
Registration Number 0901311
Registration Date October 20, 1970
Owner (REGISTRANT) BURGER KING CORPORATION CORPORATION FLORIDA 7100 N. KENDALL DRIVE MIAMI FLORIDA 33157

EXHIBIT

B

(LAST LISTED OWNER) BURGER KING BRANDS, INC. CORPORATION BY ASSIGNMENT DELAWARE 818 WASHINGTON STREET WILMINGTON

DELAWARE 19801

Assignment Recorded ASSIGNMENT RECORDED

Prior Registrations 0722375;0869775

Disclaimer WITHOUT WAIVING COMMON LAW RIGHTS APPLICANT DISCLAIMS THE WORD "BURGER" APART FROM THE MARK AS SHOWN.

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECTION 8(10-YR) 20010226.

Renewal 2ND RENEWAL 20010226

Live/Dead Indicator LIVE

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CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				



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Record 33 out of 35

Check Status

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Word Mark BURGER KING
Goods and Services IC 032. US 045. G & S: SOFT DRINKS OF ALL VARIETIES. FIRST USE: 19681206. FIRST USE IN COMMERCE: 19690103
IC 029. US 046. G & S: HAMBURGER SANDWICHES. FIRST USE: 19681206. FIRST USE IN COMMERCE: 19690103
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 080501 261113 261121
Serial Number 72341566
Filing Date October 24, 1969
Registration Number 0961014
Registration Date June 12, 1973
Owner

(REGISTRANT) BURGER KING CORPORATION CORPORATION FLORIDA
7100 N. KENDALL DRIVE MIAMI FLORIDA 33156

EXHIBIT

C

(LAST LISTED OWNER) BURGER KING BRANDS, INC. CORPORATION
ASSIGNEE OF DELAWARE 818 WASHINGTON STREET WILMINGTON
DELAWARE 19801

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record EMILY PATRICK
Prior Registrations 0722375;0869775
Disclaimer APPLICANT DISCLAIMS THE WORD "BURGER" APART FROM THE MARK AS SHOWN WITHOUT SACRIFICING ANY COMMON LAW RIGHTS.
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Renewal 1ST RENEWAL 19930510
Live/Dead Indicator LIVE

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Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **Record 32 out of 35**

Check Status

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Word Mark HAVE IT YOUR WAY **BURGER KING**
Goods and Services IC 042. US 100. G & S: RESTAURANT AND CARRY-OUT RESTAURANT FOOD SERVICES. FIRST USE: 19731001. FIRST USE IN COMMERCE: 19731001
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 080501
Serial Number 73053043
Filing Date May 22, 1975
Registration Number 1057976
Registration Date February 1, 1977
Owner (REGISTRANT) BURGER KING CORPORATION CORPORATION FLORIDA 7360 N. KENDALL DRIVE MIAMI FLORIDA 33156

EXHIBIT

(LAST LISTED OWNER) BURGER KING BRANDS, INC. CORPORATION
ASSIGNEE OF DELAWARE 818 WASHINGTON STREET WILMINGTON

DELAWARE 9801
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record EMILY PATRICIOS
Prior Registrations 0722375;0961016;AND OTHERS
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Renewal 1ST RENEWAL 19970309
Live/Dead Indicator LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	TOP	HELP	PREV LIST
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CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

Logout

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Record 43 out of 49

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Word Mark BURGER KING
Goods and Services IC 042. US 100. G & S: RESTAURANT AND CARRY-OUT FOOD SERVICES.
FIRST USE: 19690601. FIRST USE IN COMMERCE: 19690601
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 080501
Serial Number 73076655
Filing Date February 9, 1976
Registration Number 1057250
Registration Date January 25, 1977
Owner (REGISTRANT) BURGER KING CORPORATION CORPORATION FLORIDA
BISCAYNE FACILITY, P.O. BOX 520783 MIAMI FLORIDA 33152

(LAST LISTED OWNER) BURGER KING BRANDS, INC. CORPORATION
ASSIGNEE OF DELAWARE 818 WASHINGTON STREET WILMINGTON
DELAWARE 19801

EXHIBIT

5

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record EMILY PATRICIOS

Prior Registrations 0722375;0961014;AND OTHERS

Disclaimer APPLICANT DISCLAIMS ANY RIGHTS IN THE WORD "BURGER" SEPARATE AND APART FROM THE MARK AS SHOWN, BUT WITHOUT RELINQUISHING ANY OF ITS COMMON LAW RIGHTS.

Description of Mark THE DRAWING IS LINED FOR THE COLORS RED AND ORANGE.

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Renewal 1ST RENEWAL 19970213

Live/Dead Indicator LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	TOP	HELP	PREV LIST
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				



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[CURR LIST](#) [NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

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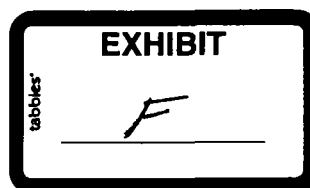
[Check Status](#) (TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

BURGER KING

Word Mark BURGER KING
Goods and Services IC 042. US 100. G & S: RESTAURANT AND CARRY-OUT FOOD SERVICES.
FIRST USE: 19701101. FIRST USE IN COMMERCE: 19701101
Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number 73114231
Filing Date January 31, 1977
Registration Number 1076177
Registration Date October 25, 1977
Owner (REGISTRANT) BURGER KING CORPORATON CORPORATION FLORIDA
BISCAYNE FACILITY, P.O. BOX 520783 MIAMI FLORIDA 33152

(LAST LISTED OWNER) BURGER KING BRANDS, INC. CORPORATION
ASSIGNEE OF DELAWARE 818 WASHINGTON STREET WILMINGTON
DELAWARE 19801

Assignment Recorded ASSIGNMENT RECORDED



Attorney of Record EMILY PATRICIOS
Prior Registrations 0722375;1057250;AND OTHERS
Disclaimer APPLICANT DISCLAIMS EXCLUSIVE RIGHTS IN THE WORD "BURGER" APART FROM THE MARK AS SHOWN.
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Renewal 1ST RENEWAL 19970716
Live/Dead Indicator LIVE

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to record:

Record 29 out of 35

Check Status

(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)



Word Mark THE BURGER KING

Goods and Services IC 041. US 107. G & S: ENTERTAINMENT SERVICES-NAMELY, PERFORMING MAGIC TRICKS FOR CHILDREN AT BIRTHDAY PARTIES. FIRST USE: 19770816. FIRST USE IN COMMERCE: 19770816

IC 042. US 100. G & S: RESTAURANT SERVICES, INCLUDING CARRY-OUT. FIRST USE: 19770816. FIRST USE IN COMMERCE: 19770816

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 020103

Serial Number 73142593

Filing Date September 26, 1977

Registration Number 1116195

Registration Date April 3, 1979

Owner (REGISTRANT) BURGER KING CORPORATION CORPORATION FLORIDA P. O. BOX 520783 GENERAL MAIL FACILITY MIAMI FLORIDA 33152

EXHIBIT

G

(LAST LISTED OWNER) BURGER KING BRANDS, INC. CORPORATION
ASSIGNEE OF DELAWARE 818 WASHINGTON STREET WILMINGTON
DELAWARE 19801

Assignment Recorded ASSIGNMENT RECORDED
Prior Registrations 0955419;0955425;AND OTHERS
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Renewal 1ST RENEWAL 19990628
Live/Dead Indicator LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	TOP	HELP	PREV LIST
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				



UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Electronic Search System (TESS)

TESS was last updated on Thu Sep 19 04:31:28 EDT 2002

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	BOTTOM	HELP	PREV LIST
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: Record 26 out of 35

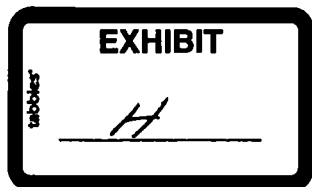
Check Status

(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

**Make it special,
make it Burger King**

Word Mark MAKE IT SPECIAL, MAKE IT BURGER KING
Goods and Services IC 042. US 100. G & S: Restaurant Services. FIRST USE: 19790701. FIRST USE IN COMMERCE: 19790701
Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number 73248944
Filing Date February 4, 1980
Published for Opposition May 19, 1981
Registration Number 1165059
Registration Date August 11, 1981
Owner (REGISTRANT) Burger King Corporation CORPORATION FLORIDA General Mail Facility, P.O. Box 520783 Miami FLORIDA 33152

(LAST LISTED OWNER) BURGER KING BRANDS, INC. CORPORATION BY ASSIGNMENT DELAWARE 17777 OLD CUTLER ROAD MIAMI FLORIDA 33157



Assignment Recorded ASSIGNMENT RECORDED
Prior Registrations 0722375;0869775;AND OTHERS
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 8 (6-YR). SECTION 8(10-YR) 20011025.
Renewal 1ST RENEWAL 20011025
Live/Dead Indicator LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	TOP	HELP	PREV LIST
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				



UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Electronic Search System (TESS)

TESS was last updated on Sat Sep 21 04:10:50 EDT 2002

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSER DICT	BOTTOM	HELP	PREV LIST
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: Record 28 out of 49

Check Status (TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)



Word Mark BURGER KING KIDS CLUB

Goods and Services IC 016. US 002 005 022 023 029 037 038 050. G & S: children's activity books, magazines, pamphlets, brochures and newsletters featuring cartoons, general information tips, promotional materials, contests and discount coupons; calendars, postcards, paper napkins, posters, paper party hats and printed invitations. FIRST USE: 19920923. FIRST USE IN COMMERCE: 19921015

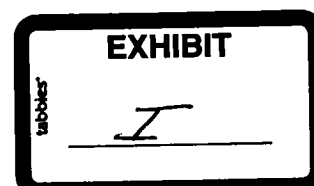
IC 025. US 022 039. G & S: T-shirts. FIRST USE: 19920923. FIRST USE IN COMMERCE: 19921015

IC 028. US 022 023 038 050. G & S: party favors in the nature of small toys; dolls, toy vehicles, puppets, stuffed toys, wind-up toys, toy action figures, play figures, inflatable bath toys, water squirting toys, toy boxes, soccer balls, inflatable toy balls and magic tricks. FIRST USE: 19920923. FIRST USE IN COMMERCE: 19921015

IC 042. US 100 101. G & S: restaurant services. FIRST USE: 19920923. FIRST USE IN COMMERCE: 19921015

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search



Code 080501
Serial Number 74663957
Filing Date April 17, 1995
Published for Opposition July 9, 1996
Registration Number 2004052
Registration Date October 1, 1996
Owner (REGISTRANT) BURGER KING BRANDS, Inc. CORPORATION DELAWARE
818 Washington Street Wilmington DELAWARE 19801
Attorney of Record Leslie Sharman
Prior Registrations 1146721;1802390
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "KIDS CLUB"
APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	TOP	HELP	PREV LIST
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				



HOME DOMAIN NAMES WEB SITES SECURITY OTHER SERVICES ACCOUNT MANAGER RENEW SERVICES

VIEW ORDER WHOIS

► WHOIS Search Results

FAQ

[What is a Handle
a Handle record?](#)

[What is a Host
host record?](#)

[The domain name
has expired at
the WHOIS record
can't I register](#)

Domain Name..... burgerking.com
Creation Date..... 1994-11-14
Registration Date.... 2002-01-23
Expiry Date..... 2004-11-13
Organisation Name.... Burger King Brands, Inc.
Organisation Address. 17777 Old Cutler Road
Organisation Address.
Organisation Address. Miami
Organisation Address. 33157
Organisation Address. FL
Organisation Address. UNITED STATES

Admin Name..... Marlene Gordon
Admin Address..... Burger King Brands, Inc.
Admin Address..... 17777 Old Cutler Road
Admin Address..... Miami
Admin Address..... 33157
Admin Address..... FL
Admin Address..... UNITED STATES
Admin Email..... dnsadmin@whopper.com
Admin Phone..... +305 378 7482
Admin Fax..... +305 378 7230

Tech Name..... Lorna Gradden
Tech Address..... Elysium House
Tech Address.....
Tech Address..... 126-128 New Kings Road
Tech Address..... SW6 4LZ
Tech Address..... London
Tech Address..... UNITED KINGDOM
Tech Email..... domains@NETSEARCHERS.CO.UK
Tech Phone..... +44 (0) 2075654090
Tech Fax..... +44 (0) 2075654099
Name Server..... NS1.VI.NET
Name Server..... NS2.VI.NET

**Sell your
products**

**Transfer
Domain
IT'S E**

**Register
Domain for
1 YEAR
included in a 3 year**

The previous information has been obtained either directly from the registrant or a registrar of the domain name other than VeriSign. VeriSign, therefore, does not guarantee its accuracy or completeness.

Search Our WHOIS Records

e.g. netsol.com

GO!

EXHIBIT

tabbles


REGISTER WHOIS MANAGE HELP CENTRE POLICIES JOIN US LOGIN PRESS ROOM CONTACTS ABOUT US

Home » Whois » Domain Owner Check

Domain Owner Check

To view current registration and ownership details please enter the domain name in the inspection box, select the correct extension and click on the *Whois* button.

Enter the domain name you wish to inspect

Domain name	Extension	Encoding	
burgerking	.com		

Whois Result For burgerking.com @ whois.melbourneit.com

Domain Name	burgerking.com
Creation Date	1994-11-14
Registration Date	2002-01-23
Expiry Date	2004-11-13
Organisation Name	Burger King Brands, Inc.
Organisation Address	17777 Old Cutler Road Miami 33157 FL UNITED STATES
Admin Name	Marlene Gordon
Admin Address	Burger King Brands, Inc. 17777 Old Cutler Road Miami 33157 FL UNITED STATES
Admin Email	dnsadmin@whopper.com
Admin Phone	+305 378 7482
Admin Fax	+305 378 7230
Tech Name	Lorna Gradden
Tech Address	Elysium House 126-128 New Kings Road SW6 4LZ London UNITED KINGDOM
Tech Email	domains@NETSEARCHERS.CO.UK
Tech Phone	+44(0)2075654090
Tech Fax	+44(0)2075654099
Name Server	NS1.VI.NET NS2.VI.NET

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Corporate Information	Go
-----------------------	----

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WHOIS Search Results

[FAQ](#)[What is a Handle
a Handle record?](#)[What is a Host
host record?](#)[The domain name
has expired ac
the WHOIS rec
can't I register](#)

The data contained in Go Daddy Software, Inc.'s WHOIS database, while believed by the company to be reliable, is provided "as is" with no guarantee or warranties regarding its accuracy. This information is provided for the sole purpose of assisting you in obtaining information about domain name registration records. Any use of this data for any other purpose, including, but not limited to, allowing or making possible dissemination or collection of this data in part or in its entirety for any purpose, such as the transmission of unsolicited advertising and solicitations, is expressly forbidden without the prior written permission of Go Daddy Software, Inc. By submitting an inquiry, you agree to these terms of usage and limitations of warranty.

Registrant:

Steven Newman

Registered through: Go Daddy Software (<http://www.godaddy.com>)
Domain Name: WWWBURGERKING.COM

Domain servers in listed order:

PARK3.SECURESERVER.NET
PARK4.SECURESERVER.NET

The previous information has been obtained either directly from the registrant or a registrar of the domain name other than VeriSign. VeriSign, therefore, does not guarantee its accuracy or completeness.

LET US
YOUR W

Transfer
Domain
IT'S E

Regist
Domain I
1 YEAR
included in a 3 ye

Search Our WHOIS Records

e.g. netsol.com

GO!

Search WHOIS by:

☒ Domain name

☐ NIC handle

[Learn More](#) about using WHOIS

Get the Name You Want

Is the name you want already registered? Check to see if it's for sale on our GreatDomains.com listing of names for resale. [Click here to view](#)

More Ways to use our Site

Brainstorm a name [using keywords](#).





Thanks for making us #1
in net new domain
registrations in 2002!*

WARNING
A warning to
our customers

What's
Septemb



WHOIS Database Search

Please enter a domain name you would like to check.

WWWBURGERKING

COM

SEARCH

WWWBURGERKING.COM WHOIS Results

The data contained in Go Daddy Software, Inc.'s WHOIS database, while believed by the company to be reliable, is provided "as is" with no guarantee or warranties regarding its accuracy. This information is provided for the sole purpose of assisting you in obtaining information about domain name registration records. Any use of this data for any other purpose, including, but not limited to, allowing or making possible dissemination or collection of this data in part or in its entirety for any purpose, such as the transmission of unsolicited advertising and solicitations, is expressly forbidden without the prior written permission of Go Daddy Software, Inc. By submitting an inquiry, you agree to these terms of usage and limitations of warranty.

Registrant:

Steven Newman
6215 Cheena
Houston, Texas 77096
United States

Registered through: Go Daddy Software (<http://www.godaddy.com>)

Domain Name: WWWBURGERKING.COM

Created on: 27-Aug-02

Expires on: 27-Aug-03

Last Updated on: 27-Aug-02

Administrative Contact:

Newman, Steven snewman@buyforcharity.com
6215 Cheena
Houston, Texas 77096
United States
(713) 772-3907

Technical Contact:

Newman, Steven snewman@buyforcharity.com
6215 Cheena
Houston, Texas 77096
United States
(713) 772-3907 Fax -- (713) 981-4035

Domain servers in listed order:

PARK3.SECURESERVER.NET
PARK4.SECURESERVER.NET

[Home](#) | [Catalog](#) | [Shopping Cart](#) | [Account Info](#) | [Customer Login](#) | [FAQ](#) | [Support](#) | [Reseller Program](#) |
[Company Info](#) | [President's Page](#) | [Legal Agreements](#)

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"steven newman" <snewman@buyforcharity.com> on 08/28/2002 07:11:11 PM

Please respond to <snewman@buyforcharity.com>

To: <dnsadmin@whopper.com>

cc:

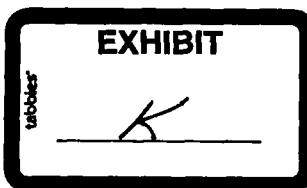
Subject: Burger King Domain Name

Hello,

I recently acquired the domain name wwwburgerking.com and was wondering if you guys were interested in purchasing it before we sold it to one of your competitors. Please feel free to call me at 713-772-3907 to discuss this. I would be open to even trade you for the domain name. Please let me know.

Thank You,

Steven Newman



Collier Shannon Scott

Collier Shannon Scott, PLLC
Washington Harbour, Suite 400
3050 K Street, NW
Washington, DC 20007
202.342.8400 TEL
202.342.8451 FAX

James M. Pacious
Associate
202.342.8497
JPacious@colliershannon.com

September 6, 2002

VIA E-MAIL AND CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Steven Newman
6215 Cheena
Houston, Texas 77096

Re: WWWBURGERKING.COM

Dear Mr. Newman:

On behalf of Burger King Brands, Inc. ("Burger King"), we are writing in response to your e-mail dated August 28, 2002 regarding your unauthorized registration of the "WWWBURGERKING.COM" domain name.

Burger King has been using the "BURGER KING" trademark since at least 1957 and has over thirty (30) registered trademarks that include the term "BURGER KING." Burger King has invested substantial resources in its registration and use of the "BURGER KING" trademark and has developed substantial goodwill associated with this mark. The "BURGER KING" trademark and the goodwill associated therewith are extremely valuable assets of Burger King. In view of its longstanding and continuous use of the "BURGER KING" trademark, Burger King has exclusive rights to use the mark in commerce in association with any goods or services that would be likely to cause confusion relative to Burger King's activities. The "WWWBURGERKING.COM" domain name is identical to our mark and you have no legitimate interest in the "BURGER KING" mark.

The Anti-Cybersquatting Consumer Protection Act ("ACPA") makes it unlawful to register, traffic, or use an infringing domain name or a domain name that causes dilution of a famous trademark. Both the ACPA and the ICANN Uniform Domain Name Dispute Resolution Policy require the transfer of domain names that infringe upon the trademark rights of others. In addition, the ACPA provides statutory damages of up to \$100,000 for the registration of such domain names.

The ACPA applies when a domain name is registered and used with the bad faith intent to profit from the trademark. In determining bad faith, courts look at a number of factors. At least two of the specific factors are present here: (1) as evidenced by your prior e-mail, you have attempted to sell the domain name to the trademark owner; and (2) the trademark used in



Page 2

Collier Shannon Scott

the domain name is distinctive and famous. Clearly, your offers to sell the domain name to Burger King is evidence of your bad faith intent to profit from this registration. See, e.g. *Virtual Works, Inc. v. Volkswagen of America, Inc.*, 238 F.3d 264 (4th Cir. 2001); *Eurotech, Inc. v. Cosmos European Travels Aktiengesellschaft*, 2002 U.S. Dist. LEXIS 13615 (E. Va. 2002); *Shields v. Zuccarini*, 254 F.3d 476 (3rd Cir. 2001).

On behalf of Burger King, we demand that you immediately transfer to Burger King the registered domain name "WWWBURGERKING.COM." Attempts to sell or transfer the domain name to another person or entity will not avoid your liability under the ACPA. This demand is made with full reservation of Burger King's rights.

Please advise us within seven (7) days of the date of this letter of your intentions regarding the "WWWBURGERKING.COM" domain name.

If you have any questions or concerns, please do not hesitate to contact me.

Best regards,

Sincerely,



PATRICK J. COYNE
JAMES M. PACIOUS

"steven newman" <snewman@buyforcharity.com> on 09/12/2002 03:20:41 PM

Please respond to <snewman@buyforcharity.com>

To: <dnsadmin@whopper.com>, <esantovenia@whopper.com>,
<jdasburg@whopper.com>, <cclouser@whopper.com>,
<bhirst@whopper.com>, <rsilva@whopper.com>, <pnovak@whopper.com>,
<bnussbaum@whopper.com>

cc:

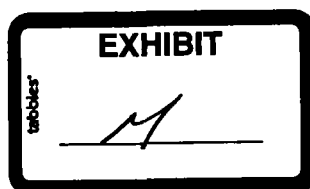
Subject: Domain Name wwwburgerking.com

To whom this may concern,

I am writing this letter to let you know that I have been contacted by your legal team in regards to the domain name wwwburkerking.com. The reason why i am contacting you and not your legal team is because they get paid hourly probably between \$250-\$500 per hour. I am NOT going to give you this domain name. It will cost you more in legal fees at even \$250 per hour than what I would like to be paid for this domain name. I am asking for \$500 dollars or \$1250 in Burger King gift certificates. This is the cheapest way out of this current situation. I think it is very fair and I would like this resolved as soon as possible. If you have any questions, please let me know.

Thank You,

Steven Newman



CIVIL COVER SHEET

02-28222

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings and other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

BURGER KING BRANDS, INC.

DEFENDANTS

STEVEN NEWMAN

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Miami - Dade
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

MICHAEL D. JOBLOVE (Bar # 354147) (305) 349-2300
GENOVESE JOBLOVE & BATTISTA
100 S.E. Second Street, 36th Floor
Miami, Florida 33131

ATTORNEYS (IF KNOWN)

I. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)

☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

☒ 1 Original Proceeding

☐ 2 Removed from State Court

☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Reopened

Transferred from another district (specify)

☐ 6 Multidistrict Litigation

Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC/ Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

15 USC §§ 1114 and 1125 - Action for dilution of domain name and trademark

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☒ NO

VIII. RELATED CASE(S) IF ANY

JUDGE

N/A

DOCKET NUMBER

DATE

11/1/02

SIGNATURE OF ATTORNEY OF RECORD

[Signature]

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

11/10/02